

EXHIBIT F

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL) MDL No. 2804
PRESCRIPTION OPIATE)
LITIGATION,) Case No.
) 1:17-MD-2804
)
THIS DOCUMENT RELATES TO) Hon. Dan A.
ALL CASES) Polster
)

Tuesday, January 15, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

Videotaped Deposition of GREGORY BEAM,
held at 4206 South J.B. Hunt Drive, Rogers,
Arkansas, commencing at 8:36 a.m., on the
above date, before Debra A. Dibble, Certified
Court Reporter, Registered Diplomate
Reporter, Certified Realtime Captioner,
Certified Realtime Reporter and Notary
Public.

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1 Janssen.

2 MR. ANDERSON: Jon Anderson,
3 Jackson Kelly on behalf of
4 AmerisourceBergen.

5 VIDEOGRAPHER: The court
6 reporter today, Debbie Dibble, will
7 please swear in the witness.

8 GREGORY BEAM,
9 having first been duly sworn, was examined
10 and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. ECKLUND:

13 Q. Good morning, Mr. Beam.
14 Moments ago the court reporter asked you to
15 take an oath. What does that oath mean to
16 you today?

17 A. That means under perjury of
18 law, I am bound to tell the truth.

19 Q. And the whole truth?

20 A. The whole truth.

21 Q. Everything that you can recall,
22 your entire recollection?

23 A. Yes, sir.

24 Q. So throughout the day, that's
25 the expectation.

1 February 1st, 2011. Is that
2 when you started at Walmart?

3 A. No, sir.

4 Q. When did you start at Walmart?

5 A. I started October of 2006.

6 Q. And what was your title in
7 October 2006?

8 A. In October 2006, I hired as a
9 drug diversion coordinator.

10 Q. And was that your first
11 occasion as a drug diversion coordinator, or
12 did you come from another company with that
13 experience?

14 A. I came from another company as
15 a district loss prevention supervisor.

16 Q. Which company?

17 A. Walgreens.

18 Q. And within Walgreens, were you
19 responsible for drug diversion?

20 A. Among other things, yes.

21 Q. What other responsibilities did
22 you have within Walgreens?

23 A. We had theft. Shrink. As well
24 as HR and employees relations matter.

25 Q. When you talk about theft, are

1 time I came on with Walmart.

2 Q. And in 2006, you transitioned
3 from Walgreens to Walmart?

4 A. Correct.

5 Q. Okay. And where did you begin
6 working within Walmart? What part of the
7 country?

8 A. Here.

9 Q. In Bentonville or Rogers?

10 A. In Rogers.

11 I'm sorry, Bentonville. Home
12 office.

13 Q. Okay. So you start in
14 Bentonville, home office, and at that point
15 you had a somewhat different job
16 responsibility than what you had at
17 Walgreens; correct?

18 A. Correct.

19 Q. Okay. How did you become
20 trained in your new role and responsibility
21 within Walmart?

22 A. That was -- came from both
23 personal knowledge as well as experience in
24 some of the drug investigations that were
25 completed as special agent with OSI, as well

1 as conducting similar pharmacy-related
2 investigations within Walgreens.

3 Q. Okay. And when you began at
4 Walmart, were you focused on one category of
5 pharmacy products, all categories of pharmacy
6 products?

7 A. We were focused on pharmacy
8 operations in total, which means all
9 categories of pharmacy products and process.

10 Q. And did you have interactions
11 with the office of the inspector general in
12 your role within Walmart when you began?

13 MR. VARNADO: Object to the
14 form.

15 THE WITNESS: Not that I
16 recall.

17 (Phone interruption.)

18 VIDEOGRAPHER: 8:54. We are
19 off the video record.

20 (Recess taken, 8:57 a.m. to
21 8:58 a.m.)

22 THE VIDEOGRAPHER: 8:58. We
23 are on the video record.

24 Q. (BY MR. ECKLUND) Mr. Beam,
25 before the break, which was caused by hold

1 at trends, yes, we looked at trends.

2 And that was a part of the continuing
3 feedback loop to the field in these
4 training sessions.

5 Q. (BY MR. ECKLUND) You mentioned
6 that sometimes good people make bad
7 decisions. Did you report any of those good
8 people who made these bad decisions to local
9 law enforcement?

10 A. We did.

11 Q. How many?

12 A. In fact, every investigation
13 where diversion is proven, we have the
14 evidence, that information is referred for
15 prosecution and police are notified in each
16 individual case.

17 Q. Okay. So in every instance
18 where you have sufficient information, where,
19 using your term, where diversion is proven,
20 and where you have the evidence, that
21 information is referred to prosecution and
22 police are notified in each individual case.

23 Did you -- when you had
24 occasions to suspect diversion, did you refer
25 that information, whether it was proven or

1 not proven, just suspected, to DEA?

2 MR. VARNADO: Object to form.

3 THE WITNESS: That information
4 was reported if there were losses
5 connected. But in terms of referring
6 for local law enforcement, we did not
7 refer to local law enforcement unless
8 there is prosecutable evidence there.

9 Q. (BY MR. ECKLUND) I was
10 specifically asking about DEA. So it would
11 have been reported to DEA. And then as far
12 as referral for prosecution asks you
13 employees who were involved, that was only
14 when you felt that the evidence was clear?
15 That there was prosecutable evidence?

16 A. Yes.

17 Q. Okay.

18 A. And the -- in reporting to the
19 DEA, each one of these investigations are
20 coordinated through compliance, who completes
21 the 106s, per their guidelines. And per
22 their instructions.

23 What we do is submit the facts
24 to local law enforcement, our state law
25 enforcement, for additional action to include

1 prosecution.

2 Q. Okay. Okay. We were talking
3 earlier about the definition of diversion.
4 You gave me your definition. I'm wondering
5 whether the intended purposes and
6 unaccountable losses were factors as well.

7 So we talked about theft. Do
8 you recall that?

9 A. (Witness nods.)

10 Q. And we talked about illicit
11 use, the child taking the product from a
12 parent. What about any other deviation from
13 what the intended path for that pill was? Is
14 that considered within Walmart as part of
15 diversion?

16 MR. VARNADO: Object to form.

17 THE WITNESS: Once the
18 prescription is -- a legitimate
19 medical prescription is received and
20 filled, there is not necessarily a
21 feedback loop that comes back to the
22 company that would reflect that.

23 So I'm -- I can't sit here and
24 answer the end consumption of a
25 legitimate prescription that left our